



600 MASSACHUSETTS AVE., NW WASHINGTON, DC 20001
T 202.344.4000 F 202.344.8300 www.Venable.com

February 16, 2018

J. Douglas Baldridge

T 202.344.4703
F 202.344.8300
JDBaldridge@Venable.com

Via ECF

The Honorable Mitchell S. Goldberg
United States District Court
Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA 19106

Re: *King Drug Company of Florence, Inc. v. Cephalon, Inc., et al.*
Civil No. 2:06-cv-01797-MSG

Dear Judge Goldberg:

I write on behalf of Ranbaxy in response to Mr. Gerstein's February 15, 2018 letter to the Court.

On February 14, 2018, pursuant to the Court's January 31, 2018 Order, Ranbaxy proposed that a consolidated trial involving all remaining Plaintiffs commence on or about October 15, 2018.¹ In doing so, Ranbaxy noted that the parties and judicial economy will be best served by such a consolidated trial, and that there is no question that there is substantial overlap of the evidence that the different Plaintiffs will use to prosecute their *claims against Ranbaxy*. To the extent its position requires clarification, Ranbaxy's letter addressed the claims against Ranbaxy and proposed that all claims against Ranbaxy should be consolidated in one trial. Ranbaxy understood that the Court would take into consideration Ranbaxy's proposal along with the other parties' submissions when deciding how the modafinil cases will proceed.

Mr. Gerstein's suggestion that Ranbaxy has somehow waived its objections or arguments regarding the Court's prior rulings is unfounded. Ranbaxy has persistently and continuously objected to the prejudice it will suffer if Plaintiffs are permitted to raise the Court's prior rulings regarding Cephalon during any trial involving claims against Ranbaxy. Nevertheless, Ranbaxy recognizes that the Court has already made clear that *Walker Process* claims against Cephalon will not be severed from the trial of claims against Ranbaxy. (See, e.g., June 8, 2017 Mem. Op. at 6-7, 17-18, ECF No. 1196.) In the event the Court determines that all claims against all

¹ Ranbaxy proposes October 15, 2018 to prevent any interference with religious observations and Columbus Day. However, if the Court elects to proceed with a September 2018 trial, Ranbaxy will be prepared to start any trial as early as September 24, 2018.



The Honorable Mitchell S. Goldberg
February 16, 2018
Page 2

defendants will be consolidated in one trial, Ranbaxy will preserve, and not waive, its objections to a single trial of claims against Ranbaxy and claims against Cephalon, including but not limited to the *Walker Process* claims.

Respectfully submitted,

A handwritten signature in blue ink, reading "J. Douglas Baldridge".

J. Douglas Baldridge